IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Crl.Rev.Pet.No. 276 of 1999()

CRA.125/1997 of ADDL. SESSIONS COURT, THRISSUR DT.4.03.1999
ST.2298/1994 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD DT.29.3.99.
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REVN. PETITIONER: APPELLANT/ACCUSED

P.M.ABDUL KHADER, PANIKKAVEETTIL HOUSE, THAMBANKADAVU P.O., THALIKULAM ,. CHAVAKKAD.

BY ADV. MNS ASSOCIATES
BY ADV. SRI.M.T.SURESH KUMAR

RESPONDENTS: COMPLAINANT & STATE
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1. THE FOOD INSPECTOR, CHAVAKKAD CIRCLE, THRISSUR DISTRICT.

2. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.MP. NO.1119/1999 IN CRRP. 276/1999

DISMISSED

18.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 276 OF 1999

DATED THIS THE 18th July 2007

ORDER

The revision petitioner, who is the accused in S.T.No.2298/1994 in the file of the Judicial Magistrate of the First Class, Chavakkad, stands convicted for the offences under Sections 2(1)(a)(b), 7(1), 16 (1)(a)(ii) and Rule A.17 (ii) of Appendix B of the Prevention of Food Adulteration Act, 1954 and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for one month.

2. The prosecution case is that gingelly oil purchased by the Food Inspector from the oil mill of the accused/revision petitioner was found not to conform to the standard prescribed by the Satute.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 and 2 and Exts.P1 to P17. Defence got examined DW1.

4. Counsel for the revision petitioner has only sought for modification of sentence pointing out that the incident is dated 19-8-1994 and that so many years have elapsed since the commencement of the proceedings and the accused has been facing the criminal proceedings so long. It is also pointed out that the

accused/revision petitioner is aged 74 years and is ailing. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.A. 276 OF 1999
ORDER

18-7-2007